

### **Remarks**

Upon entry of the foregoing amendments, claims 1, 3-4, 6-7, 9-10, 12-21, 23-24, and 26-28 are pending in the application and claims 1, 6, 7, 12 and 18-21 are amended. Claims 5, 11 and 29 are canceled. No new matter has been introduced by these amendments and their entry is respectfully requested.

Applicant would like to thank the Examiner and her supervisor for courtesies extended during a telephonic interview on July 8, 2010. Pursuant to the interview, Applicant has amended the claims to further distinguish the applied prior art references.

### **Specification**

The specification is objected to for various informalities related to the reference characters. A substitute specification is submitted herewith. The specification amends the reference characters to accord with the drawings and overcome the objections to the specification. These amendments present no new matter and their entry is respectfully requested.

### **Objection to the Drawings**

The drawings are objected to for various informalities related to the reference characters. A replacement specification is submitted herewith addressing these objections. Accordingly, Applicant respectfully requests withdrawal of the objection.

### **Claims Objections**

Claim 1 is objected to because "the main support members" should instead be singular. Applicant has amended claim 1 accordingly. As such, Applicant respectfully requests withdrawal of the objection.

### **Rejections under 35 U.S.C. § 112**

Claims 1, 3-7, 9-12, 14-21, and 23-29 stand rejected under 35 U.S.C. 112 first and second paragraph for various issues related to the recitation of the limitation "a convex leading edge." Applicant has deleted the term "convex," thereby obviating the rejection. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim 13 stands rejected under 35 U.S.C. 112, first paragraph because the alignment gauge is allegedly not described in a manner that is clear and easy to comprehend. Applicant has deleted the term "alignment gauge," thereby obviating the rejection.

Claims 3 and 17 stand rejected under 35 U.S.C. 112, first paragraph because "one or more traversal support members" is allegedly indefinite. Applicant respectfully points the Examiner to claims 4 and 18, which clearly indicate that "the one or more traversal support members comprise one or more support ribs that traverse the cover members." (emphasis added). Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim 13 stands rejected under 35 U.S.C. 112, second paragraph because of the recitation of "an unequal extensions." Applicant has amended this claim to be clear and unambiguous. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claims 18-21 are rejected under 35 U.S.C. 112, second paragraph because of indefiniteness. After amendments, each of these limitation is clear and unambiguous. Accordingly, Applicant respectfully requests withdrawal of the rejections.

**Rejection under 35 U.S.C. § 103(a)**

Claims 1, 3-7, 9-12, 14, 16-21, and 23-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Earnshaw (US 5,086,797) in view of Kida (US 4,474,201). For at least the reasons set forth below, Applicant respectfully traverses this rejection.

Applicant has amended independent claim 1 to recite that the unequal extensions define a ratio of asymmetry between a length of a visor extension with respect to a length of adjacent support members, as measured from the vertex point in a range between 1.5:1 and 2.3:1. As described in the original specification, this is a ratio between the length of the visor extension with respect to the length of the adjacent support members (see Figure 4), as measured from the vertex point 200. This range of ratios has been found to be most effective for the purpose of creating the maximum amount of shade without compromising the stability of the canopy. Neither Earnshaw nor Kida discloses any form of ratio of asymmetry. Indeed, there is no indication that Earnshaw or Kida were even aware of the importance of such a ratio. As such, these references, whether considered alone or in combination, fail to render obvious claim 1 and its dependents.

Furthermore, claim 1 recites the limitations of a “visor extension that is supported by a main support member and a plurality of adjacent support members, the plurality of adjacent support members having a length less than a length of the main support member and wherein the main support member creates an apex for the convex leading edge,

wherein the apex is configured to allow the cover to be aligned with respect to the sun to provide the adjustable coverage zone.” Earnshaw in view Kida fails to teach or suggest these limitations.

Earnshaw in view of Kida fails to teach or suggest a main support member having a length less than a plurality of adjacent support members. Earnshaw is silent on the specifics of the canopy, and Kida fails to teach or suggest these limitations. Rather, in Kida, the support members 18 are all of equal length (Kida, Fig. 4, ref. 18).

Moreover, Earnshaw in view of Kida fails to teach or suggest an apex formed by a main support member that is configured to allow a cover to be aligned with respect to the sun to provide an adjustable coverage zone. Both Earnshaw and Kida are completely silent with respect to an apex of a convex leading edge and with respect to using such an apex for alignment.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim 15 stands rejected under 35 U.S.C. 103 as being unpatentable over Earnshaw in view of Kida and further in view of Ma (US Pub 2002/0129847). Claim 15 is distinguished from Earnshaw and Kida by virtue of its dependence on claim 1, as discussed above. Ma fails to cure the deficiencies of Earnshaw and Kida with respect to claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim 29 stands rejected under 35 U.S.C. 103 as being unpatentable over Earnshaw in view of Kida and further in view of Freedman (US Pub 2002/0129847). Claim 29 is distinguished from Earnshaw and Kida by virtue of its dependence on claim 1, as discussed

above. Freedman fails to cure the deficiencies of Earnshaw and Kida with respect to claim 1. Furthermore, claim 29 has been further amended to recite the limitation that the alignment gauge comprises “a light transmitting material extending through the cover.” The references fail to teach or suggest this limitation. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim 13 stands rejected under 35 U.S.C. 103 as being unpatentable over Earnshaw in view of Freedman.

Applicant has amended independent claim 13 to recite that the unequal extensions define a ratio of asymmetry between a length of a visor extension with respect to a length of adjacent support members, as measured from the vertex point in a range between 1.5:1 and 2.3:1. As described in the original specification, this ratio is a ratio between the length of the octagonal extension 410 to the length of the visor extension 415 (see Figure 4), as measured out from the apex point 200 in the plan view. This range of ratios has been found to be most effective for the purpose of creating the maximum amount of shade without compromising the stability of the canopy. Neither Earnshaw nor Freedman discloses any form of ratio of asymmetry. Indeed, there is no indication that Earnshaw or Freedman were even aware of the importance of such a ratio. As such, these references, whether considered alone or in combination, fail to render obvious claim 1 and its dependents.

Accordingly, Applicant respectfully requests withdrawal of the rejection.

### Conclusion

In view of the above, favorable reconsideration and allowance of the claims is solicited. The Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-4562 referencing the Atty. Docket No. noted above. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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